

NIXON PEABODY

Attorneys at Law

100 Summer Street  
Boston, Massachusetts 02110-2131  
(617) 345-1000

Fax: (617) 345-1300

RECEIVED  
CENTRAL FAX CENTER  
MAY - 7 2007

## PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (617) 345-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

## FAX

To:	Company	Fax #:	Telephone #:
MAIL STOP AMENDMENT	United States Patent and Trademark Office	1-571-273-8300	

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY &amp; CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

<b>From:</b> Ronald I. Eisenstein Leena H. Karttunen	<b>Date:</b> May 7, 2007	<b>No. of Pages:</b> 12 (including this page)	700157-048012-RCE2
---	--------------------------	--	--------------------

Practitioner's Docket No. 700157-048012-RCE2 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David E. Fisher      Confirmation No.: 7211  
Application No.: 09/229,283      Group No.: 1642  
Filed: 01/13/1999      Examiner: Susan NMN UNGAR

For: USE OF MICROPTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR TREATMENT OF MELANOMA

MAIL STOP AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450


CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8)

I hereby certify that this correspondence:

1. Facsimile Cover Sheet (1 pg.);
2. Certificate of Transmission (1 pg.);
3. Statement of Limited Recognition No. L0207 (1 pg.);
4. Transmittal Form (1 pg.);
5. Petition for Extension of Time in duplicate (2 pp.);
6. Amendment (4 pp.);
7. Fee Transmittal in duplicate (2 pp.);

is being sent by facsimile to the U.S. PTO at (571) 273-8300 on the date shown below.

May 7, 2007

Tina-Michelle Pittsley  
  
Signature

☐ First Class Mail☐ Overnight Mail

Original of the transmitted document will be sent by:

☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (617) 345-1386. THANK YOU.

CONFIRMATION: DATE SENT

May 7, 2007

TIME

BY



INTEROFFICE TO:

☐ Albany☐ Boston☐ Buffalo☐ Garden City☐ Hartford☐ Manchester☐ New York City☐ Providence☐ Rochester☐ Washington (N)☐ Washington (P)

10555721.1

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAY - 7 2007**

**Practitioner's Docket No. 700157-048012-RCE2**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	David E. Fisher	Confirmation No.:	7211
Application No.:	09/229,283	Group No.:	1642
Filed:	01/13/1999	Examiner:	Susan NMN UNGAR

For: USE OF MICROPHTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR TREATMENT OF  
MELANOMA

**MAIL STOP AMENDMENT**  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF TRANSMISSION (37 C.F.R. § 1.8(b))**

I hereby certify that this correspondence:

1. Facsimile Cover Sheet (1 pg.);
2. Certificate of Transmission (1 pg.);
3. Statement of Limited Recognition No. L0207 (1 pg.);
4. Transmittal Form (1 pg.);
5. Petition for Extension of Time in duplicate (2 pp.);
6. Amendment (4 pp.); and
7. Fee Transmittal in duplicate (2 pp.).

is on the date shown below being:

**MAILING**

deposited with the United States Postal Service  
with sufficient postage as first class mail in an  
envelope addressed to the  
Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**FACSIMILE**

**X** transmitted by facsimile to the Patent  
and Trademark Office to 571-273-8300.

Date: May 7, 2007

  
Signature

Tina-Michelle Pittsley  
(type or print name of person certifying)

RECEIVED  
CENTRAL FAX CENTER  
MAY - 7 2007

**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)**

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 11.9(b) as an employee of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is the client of Nixon Peabody LLP and an attorney or agent of record in the applications is a registered practitioner who is a member of Nixon Peabody LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with Nixon Peabody LLP ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain authorized to be employed in accordance with an Employment Authorization Card issued pursuant to 8 CFR § 274a.12(c)(9).

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

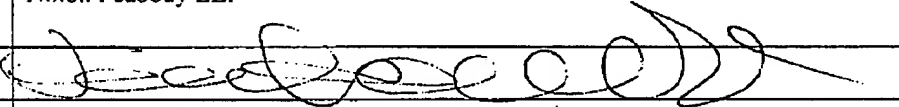
Limited Recognition No. L0207  
Expires: January 7, 2008

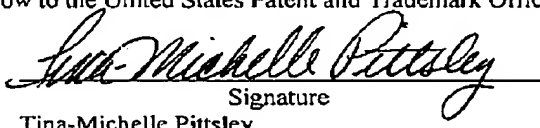
  
\_\_\_\_\_  
Harry I. Moatz  
Director of Enrollment and Discipline

RECEIVED  
CENTRAL FAX CENTER  
MAY - 7 2007

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/229,283
	Filing Date	01/13/1999
	First Named Inventor	David E. Fisher
	Group Art Unit	1642
	Examiner Name	Susan NMN UNGAR
Total Number of Pages in This Submission	Attorney Docket Number	700157-048012-RCE2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet; Certificate of Transmission; and Statement of Limited Recognition.
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-0850 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nixon Peabody LLP
Signature	
Name	Ronald I. Eisenstein (Reg. No. 30,628) / Leena H. Karttunen (L0207)
Date	May 7, 2007

CERTIFICATE OF TRANSMISSION [37 CFR 1.8(b)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.	
May 7, 2007 Date	 Signature Tina-Michelle Pittsley Typed or printed name

10555723.1

# FEE TRANSMITTAL FOR FY 2007

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$): 60.00

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

50-0850

Deposit  
Account  
Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20**	X	0
Independent Claims	Extra Claims	Fee from below	Fee Paid
	-1**	X	0
Multiple Dependent	Extra Claims	Fee from below	Fee Paid
	X		0

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$): 0.00

\*\*0: number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	09/229,283
Filing Date	01/13/1999
First Named Inventor	David E. Fisher
Examiner Name	Susan NMN UNGAR
Art Unit	1642
Attorney Docket No.	700157-048012-RCE2

RECEIVED  
CENTRAL FAX CENTER

MAY - 7 2007

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	2053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1,100	2503	550	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$): 60.00

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(n)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail Label No. in an envelope addressed to: MAIL STOP ASSIGNMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22315-1450

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 7, 2007

Date

Signature  
Tina-Michelle Pittsley

Typed or printed name

## SUBMITTED BY

Name (Print/Type)	Ronald I. Eisenstein Leena H. Karttunen	Registration No. (Attorney/Agent)	30,628 L0207	Telephone	617-345-6054 617-345-1367
Signature				Date	May 7, 2007

Complete (if applicable)

# FEE TRANSMITTAL FOR FY 2007

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)**60.00**

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

50-0850

Deposit  
Account  
Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	300	2001	150	Utility filing fee	
1002	200	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

**SUBTOTAL (1)** (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	= 0
Independent Claims	-3** =	X	= 0
Multiple Dependent	X	=	= 0

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**0.00**

\*\*or number previously paid, if greater. For Reissues, see above

Complete if Known

Application Number	09/229,283
Filing Date	01/13/1999
First Named Inventor	David E. Fisher
Examiner Name	Susan NMN UNGAR
Art Unit	1642
Attorney Docket No.	700157-048012-RCE2

RECEIVED

CENTRAL FAX CENTER

MAY - 7 2007

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1,100	2503	550	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**60.00**

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail Label No. in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 7, 2007

Date

Signature:  
Tina-Michelle Pittsley

Typed or printed name

## SUBMITTED BY

Name (Print/Type)	Ronald I. Eisenstein Leena H. Karttunen	Registration No. (Attorney/Agent)	30,628 L0207	Telephone	617-345-6054 617-345-1367
Signature				Date	

**COPY**